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Letter dated 14 October 2003 from the Permanent Representative of Egypt to the United Nations addressed to the Secretary-General

I have the honour to refer to the Afro-Arab Conference that was held in Cairo from 21 to 23 June 2003 for the Afro-Arab Expert Consultation on Legal Tools for the Prevention of Female Genital Mutilation.

It is my pleasure to submit herewith the Declaration and the report of the Conference (see annex) and to request that they be circulated as a document of the General Assembly, under agenda item 110.

(*Signed*) Ahmed **Aboul Gheit**
Ambassador
Permanent Representative

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Annex to the letter dated 14 October 2003 from the Permanent Representative of Egypt to the United Nations addressed to the Secretary-General

Afro-Arab Expert Consultation on Legal Tools for the Prevention of Female Genital Mutilation

Cairo, 23 June 2003

WE, the representatives of twenty-eight African and Arab countries affected by the practice of Female Genital Mutilation, of international and non-governmental organisations, and experts on FGM, meeting in Cairo from the 21st to the 23rd of June 2003 for the Afro-Arab Expert Consultation on "Legal Tools for the Prevention of Female Genital Mutilation" on the invitation of AIDOS - Italian Association for Women in Development, No Peace Without Justice, the Egyptian National Council for Childhood and Motherhood, and the Egyptian Society for the Prevention of Harmful Practices to Woman and Child, under the Auspices of H.E. Mrs Suzanne Mubarak, First Lady of Egypt, organized within the framework of the "STOP FGM Campaign" supported by the European Commission;

Emphasising that all countries affected by the practice of FGM have been represented at the Expert Consultation, making it a unique opportunity for dialogue, exchange of information and points of view concerning the best means and the most appropriate legislative instruments for the prevention and the progressive abandonment of FGM worldwide,

Recognising and saluting the commitment and determination of H.E. Mrs Suzanne Mubarak, First Lady of Egypt, as well as her keynote speech delivered at the opening session of the Expert Consultation and her specific contribution to the success of this Afro-Arab meeting,

Emphasising in particular the statements of the highest religious authorities in Egypt, H.E. Sheykh Mohammed Sayed Tantawy, Grand Sheykh of Al-Azhar, and the representative of H.E. Pope Shenouda III, Patriarch of Alexandria and of the See of St. Mark, who reaffirmed that no religious precept either in Islam or Christianity justifies the practice of FGM,

Thanking the organisers for taking the initiative to convene this Expert Consultation in Cairo and expressing appreciation in particular to the Egyptian National Council for Childhood and Motherhood and the Egyptian Society for the Prevention of Harmful Practices to Woman and Child for the warm welcome received in Egypt and to ensure the best working conditions for the meeting;

Thanking the sponsors and other contributors for providing the resources for this Expert Consultation and its follow-up,

Taking note of the results obtained by the working groups, the quality of the contributions by the speakers and all the participants, and the most valuable technical contribution by CRR - Centre for Reproductive Rights and RAINBO - Research, Action and Information for the Bodily Integrity of Women, which have made the successful outcome of the Consultation possible,

Taking note of and supporting the international "STOP FGM" Appeal, launched on the 10th of December 2002, as well as the Declaration on "Zero Tolerance for FGM" issued by the IAC - Inter-African Committee on the 6th of February 2003, and signed by African First Ladies and a number of other international personalities;

Cairo Declaration on Legal Tools to Prevent Female Genital Mutilation

WE, the participants in the Afro-Arab Expert Consultation on "Legal Tools for the Prevention of Female Genital Mutilation"

Call upon governments to promote, protect and ensure the human rights of women and children in accordance with the obligations undertaken by them as states parties or signatories to:

- the African Charter on the Rights and Welfare of the Child,
- the African Charter on Human and People's Rights;
- the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW);
- the Convention on the Rights of the Child;
- the Cairo Programme of Action agreed to at the International Conference on Population and Development, and
- the Beijing Declaration and Platform for Action agreed to at the Fourth World Conference on Women.

Believe that the prevention and the abandonment of FGM can be achieved only through a comprehensive approach promoting behaviour change, and using legislative measures as a pivotal tool;

Launch the Cairo Declaration, appealing to Heads of State, governments, parliaments and responsible authorities in concerned countries, as well as international organisations and non-governmental organisations, to endorse the following recommendations in their legislation, social and health policies, aid programmes, bilateral and multilateral cooperation initiatives.

WE, the participants in the Afro-Arab Expert Consultation on "Legal Tools for the Prevention of Female Genital Mutilation"

Recommend that:

1. Governments, in consultation with civil society, should adopt specific legislation addressing FGM in order to affirm their commitment to stopping the practice and to ensure women's and girl's human rights. Where politically feasible, a prohibition on FGM should be integrated into pjbroader legislation addressing other issues, such as:
    - gender equality;
    - protection from all forms of violence against women and children;
    - women's reproductive health and rights; and
    - children's rights

2. The use of law should be one component of a multi-disciplinary approach to stopping the practice of FGM. Depending on the national context, outreach efforts by civil society and governments aimed at changing perceptions and attitudes regarding FGM should precede or accompany legislation on FGM. These activities should reach as many members of the public as possible and should include the participation of both elected officials and other government actors and members of civil society, including advocates, religious leaders, traditional leaders, medical providers, teachers, youth, social workers, and the all forms of

media including electronic media. In particular, men must be targets of outreach, as well as family members, including grandmothers, mothers-in-law, etc. Means of outreach should take as many forms as available in each country, including community gatherings, media (radio, theatre) and other creative means of communication.

3. The work of NGOs is at the heart of social change. NGOs and government should work together to support an ongoing process of social change leading to the adoption of legislation against FGM. A long-term, multi-strategy approach shaping attitudes and perceptions about women's status and human rights should lead in the long-run to the criminalization of FGM. Governments and international donors should provide financial resources to empower national NGOs in their struggle to stop FGM. In addition, governments must ensure that national NGOs are able to pursue their activities freely.

4. The legal definition of FGM, which should encompass all forms of FGM, should be formulated by national legislatures on the basis of the World Health Organization definition and in consultation with civil society, including the medical community. However, depending on the national context, it may be desirable to provide for a period of sensitization to precede enforcement of the prohibition as it applies to parents and family members.

5. Governments should formulate time-bound objectives, strategies, plans of action, and programmes, backed by adequate national resources, whereby FGM laws will be enforced, taking into account that legislation condemning FGM has a moral force and an educational impact that could dissuade many individuals from submitting girls to the practice.

6. If existing criminal sanctions are enforced in the absence of specific legislation on FGM, governments should work with civil society to undertake a major information campaign to ensure that all members of society, particularly those who practice FGM, are aware that the existing law will be enforced.

7. In adopting a law, religious leaders, civil society organizations, including women's and community-based organizations, and health care providers, among others, should be part of the consultative process. Efforts to end FGM must be focused on empowering women to make choices impacting their health and lives.

8. Religious leaders should be sensitized to the negative impact of FGM on women's reproductive and sexual health. Religious leaders who support ending FGM should be incorporated into outreach strategies.

9. Once legislation prohibiting FGM has been adopted, whoever performs FGM, including health professionals and traditional circumcisers, should be put on immediate notice that performing FGM gives rise to legal and professional sanctions.

10. Licensed medical practitioners should be subject to the maximum available criminal penalties. Professional associations should adopt clear standards condemning the practice of FGM and apply strict sanctions to practitioners who violate those standards. Practitioners may be suspended or lose their licenses to practice. In addition, they should face civil liability for malpractice or unauthorized practice of medicine. Appropriate ethical guidelines against FGM should be incorporated into medical education and training curricula.

11. Provided sufficient outreach and sensitization has taken place, members of the community with knowledge of cases of FGM should be held criminally liable for failure to report such cases. Special measures are needed to protect those who come forward to report a case.

Governments should consider alternative methods of monitoring prevalence and effects of FGM, for example, through gathering statistics from health care centers. Law enforcement officials should be trained to respond to cases of FGM (including cases that may still be prevented) in a manner that meets the needs of girls and women affected by the practice.

12. Women and girls should be empowered to access legal remedies specified by law to prevent FGM. In particular, women and girls who are victims or potential victims of FGM have the right to bring a civil action to seek compensation from practitioners or to protect themselves from undergoing FGM. Resources, such as information on legal rights, legal assistance, and social services and support for girls who may face negative repercussions from their families and communities, should be provided to women and girls. Medical professionals should assist by providing evidence supporting the claim of the girl or woman who has undergone FGM. The deterrent effect on practitioners of possible civil actions against them involving monetary damages may be significant.

13. The age of a girl or woman or her consent to undergoing FGM should not, under any conditions, affect the criminality of the act.

14. During periods of armed conflict, both governments and international donors must sustain activities aimed at ending the practice of FGM and other forms of discrimination against women and girls.

15. As agreed at the International Conference on Population and Development in Cairo in 1994 and the Fourth World Conference on Women in Beijing in 1995, as well as their subsequent reviews, governments should ensure all women access to the full range of reproductive and sexual health services and information. In addition, reproductive and sexual health information and education, including information on the harmful effects of FGM, should be incorporated, where appropriate, into school curricula and other community education programs. Women who have undergone FGM should have access to the information and special health care they need.

16. In countries where minorities, including migrants, are vulnerable, the adoption of laws against FGM should not be used by governments to undermine the full enjoyment of human rights by these minorities. In such contexts, it is particularly important that criminal legislation be part of a broader strategy to provide resources to support community needs and to promote the health and human rights of community members. Members of minority communities, particularly activists working to stop the practice, should be consulted and their views taken into account prior to adoption and enforcement of the law. In some cases, it may be appropriate for legislation targeting FGM to make reference to constitutional protections of minority rights.

17. Governments should implement the regional and international conventions that they have ratified protecting the rights of women and children, and comply with their obligations to take action to end practices that harm women and girls, including by adopting legislation prohibiting FGM. Implementation measures should include translation of these texts into national languages and outreach programs to ensure broad knowledge of the rights protected. Civil society could promote government accountability under these treaties by using UN treaty monitoring bodies. NGOs can use treaty bodies' Concluding Observations and Recommendations to push for additional government actions. For example, legal mechanisms to intervene on behalf of children who may be subject to FGM may currently be inadequate but could be developed.

WE, the participants in the Afro-Arab Expert Consultation on "Legal Tools for the Prevention of Female Genital Mutilation"

Further recommend that:

The Cairo Declaration will be officially presented to the Secretary-General of the United Nations and the presidents of the African Union and the European Union, as well as the Secretary-General of the League of Arab States and the Organisation of Islamic Countries;

Finally,

We agree to hold a follow-up meeting to be convened on the African continent in a year's time, to review progress achieved towards the implementation of the Cairo Declaration.

Report of the Afro-Arab Expert Consultation on Legal Tools for the Prevention of Female Genital Mutilation

Cairo, 21-23 June 2003

Background

The Afro- Arab Expert Consultation Conference on Legal Tools for the Prevention of Female Genital Mutilation was held under the Patronage and Chairmanship of the First Lady Her Excellency Mrs. Suzanne Mubarak, Chair of the Technical Advisory Committee of the National Council for Childhood and Motherhood during the period from 21-23 June 2003 in collaboration with the European Parliament, the Italian NGOs AIDOS and No Peace Without Justice and the Egyptian Society for Prevention of Harmful Practices. Twenty eight Arab and African Countries sharing the practice of FGM participated. The conference discussed the importance of establishing legal tools for supporting the civil society in combating this harmful practice, yet in accordance to the traditions and culture of the participating countries. Egypt hosting of the conference and the First Lady's attendance indicated Egypt's political commitment toward eliminating FGM as a harmful practice against the girl child.

Opening Session

H.E. Mrs. Suzanne Mubarak, First Lady of Egypt in her inaugural speech emphasized the efforts exerted by the Government of Egypt in partnership and in close collaboration with Non-Governmental Organizations, local communities, and international bodies working in fields related to women and child issues. She stressed the fact, that Egyp, in its firm belief that children and women's rights represent the cornerstone for the development of any society rights, was one of the first countries that signed the Convention of Children Rights in December 1989, and in 2003 she has announced year 2003 as the "Year of the Girl Child".

Her Excellency expressed her appreciation toward all the efforts exerted at community, national and international levels for combating FGM, thus breaking the silence on one of the issues that directly threatens the well-being of the girl child. She added that Egypt has adopted a number of strategies to eradicate this practice: advocacy networking at the community level, facilitating credible and scientific information on basis of the practice, and mobilization of the national and local communication channels

The highest ranking religious personalities in Egypt were present. The Grand Imam Sheikh Mohamed Sayed Tantawi, Sheikh of Al-Azhar, and Bishop Moussa, the Head of the Bishopric of Youth and Representative of Pope Shenouda III, Pope of Alexandria and Patriarch of the Coptic Cathedral presented the Islamic and Christian point of view on FGM. They indicated that FGM had no religious foundation whether in the Quran or in the Bible. It is therefore a social tradition not related to any religious scripture especially that all holy books stress the importance of the rights of children and women, and no religion supports the mutilation of the human soul.

The Minister of Social Action and National Solidarity of the State of Burkina Faso, H. E. Minister Mariam Lamizana presented her country's experience in combating FGM. She stressed the importance of this conference as offering a great opportunity to present the different approaches for combating FGM adopted by the countries that suffer from this harmful practice.

Within the context of discussing a core issue that touches on the rights of the child, Mr. Jaap Doek, Chair of the United Nations Committee on the Rights of the Child indicated the importance of this conference as it reflects the international commitment toward child issues and FGM being a practice that breaks the girl child's innocence and pride. Then Ms. Emma Bonino, European Parliament Member presented her experience in Africa of the different programs for combating FGM. She also indicated that FGM as a practice has spread to several European countries through migration. Ms. Bonino expressed her appreciation for the role that Egypt was playing on the local, national and international scene for eradicating FGM and the First Lady's participation was a strong indication of Egypt's political commitment at the highest level, toward children and women rights.

Programs and Interventions for Eradicating FGM

H. E. Ambassador Moushira Khattab, Secretary General of the National Council for Childhood and Motherhood (NCCM) presented the FGM Programs adopted by the Council. The FGM Free Village Model Project executed in cooperation with the Development Assistance Group and the United Nations Development Program in 60 villages of Upper Egypt Governorates (Beni Suef, Minia, Assiut, Sohag, Qena, and Aswan). This project is implemented in partnership with 12 Egyptian Focal NGOs working in these respective governorates with the objective of creating and establishing advocacy networks on the community levels to eradicate FGM. The project also aims at creating central networks under the umbrella of the NCCM through the policy resource group which consists of all government stakeholders mainly the concerned ministries. Furthermore, the communication resource group brings together the key resource persons to establish the main findings of the issue and determine ideal communication channels for discussing this deeply embedded tradition that threatens the well-being of the girl child. The mandate of this project is to build on all previous efforts exerted by both government and civil society and yet more brings all efforts under the highest governmental body entrusted for ensuring child and mother rights.

The NCCM was also implementing a program for FGM in collaboration with the UNICEF that addresses opinion leaders and revives their concern with FGM in order to make them advocates on the issue. Such leaders are considered a strong and effective channel that influences the intellect and cultural being of the public. Among these opinion leaders are religious leaders, script writers and renown journalists etc.

Ms. Daniella Colombo, AIDOS President presented the guidelines of the International Campaign "Stop FGM". Ms. Colombo stressed the importance of establishing legal tools for effectuating further the immense efforts of the civil society.

Ms. Aziza Hussein, Chair of the Egyptian Society for Prevention of Harmful Practices (ESPHP) presented her 20 year experience toward eliminating FGM. This experience

included the Socio-Cultural Approach, Medical Approach, and Religious one. The ESPHP is one of the first NGOs that produced extensively information education and communication materials to the different target groups including educated and illiterate groups.

Prof. Hamdi El-Sayed, Head of Egyptian Medical Syndicate stand was strongly opposed the idea of medicalizing FGM since it was not a practice taught in the School of Medicine and violates bio-ethics. There was no mandate in the world that approves the physical cutting of human organs without clear medical indications. The practice of FGM which removes a vital organ of the girl child, deprives her from her natural rights as a woman, and causes psychological trauma.

Conference Participation

Twenty Eight African and Arab countries that share the practice of FGM and a number of European Countries including Italy, France and Germany, in addition to Egyptian and international NGOs concerned with FGM and a number of international organizations including UNDP, UNICEF, UNFPA, WHO, USAID, European Commission, RAINBO, as well as African and Arab Embassies in Egypt countries participated in the conference. The media coverage for the conference included the local press representatives, TV and Radio channels in addition to a large number of representatives from the international press, TV and radio agencies.

Egyptian participation in the conference included local community, governmental and non-governmental levels. Ministers from concerned ministries and governors of the Upper Egypt governorates involved in the FGM Free Village Model Project attended. Participants included religious leaders, People's Assembly members, NGO representatives, in addition to participation from the Egyptian Justice Service including the Supreme Court. Professors from the faculties of medicine, mass communication, law and research centers also participated in the conference.

Media Coverage

All media channels (TV, Radio and Press) covered extensively the conference events. The National Egyptian Channel 2 and Nile TV diffused live the opening session. Foreign, Arab and European TV, Radio and Press indicated the importance of the conference as a great international step toward eradicating FGM.

The extensive media coverage placed FGM as a priority on the media agenda, created awareness on a vital issue related to the rights of the child, and revived the FGM dialogue locally, nationally and internationally.

Press conferences attended by local and international media were held before and after the consultation of experts to mobilizing public opinion toward advocating the drawbacks of FGM as a practice that threatens the well-being of the girl child.

Working Groups

Participants were divided into two working groups as follows:

Group 1 . Discussed the legal tools adopted for changing social behavior. The group was chaired by H. E. Minister Linah Gebei from Kenya. The working group members felt that legal tools alone would not eradicate FGM since it was a traditional practice

that held many cultural connotations related to the chastity of women. Consequently, legal tools should go in parallel with the efforts of the civil society that targets behavioral and attitudes changes towards the practice.

Group II: Discussed the technical elements of the laws on FGM and was chaired by Prof. Saeed El-Dakak, Professor of Criminal Law and Vice President of Alexandria University. The second group examined the different approaches for implementing laws, and some group members presented their Afro-Arab experiences on issuing laws to eliminate the FGM practice. A number of young Egyptian judges participated in this group and stressed the importance of providing support to laws combating FGM through launching media campaigns and awareness programs. because laws alone could not change beliefs and public attitudes especially on a sensitive social subject like FGM.

Main Guidelines of the Cairo Declaration

- Incorporating all laws that condemn FGM under the laws that addresses child and women's political. economic and reproductive rights.
- Utilizing legal tools within the context of a multi-disciplinary mandate that is supported by NGOs and civil society.
- Discussing the legal tools adopted by the respective national legal bodies of the participating countries in consultation with the World Health Organization and civil society
- Establishing the relevant policies and strategies that support the implementation of laws.
- Raising the awareness of religious leaders to enhance them further in advocating the harms of FGM.
- Imposing penalties on community members that cover up for the practice and recording the cases in order to determine accurately the magnitude of the practice.
- Raising awareness of women and young girls on their legal rights thus empowering them to defend themselves against family and social pressure.
- Calling upon governments and international organizations to be committed to eradicate FGM and to mobilizing the required resources
- Calling upon governments to abide and implement all international protocols that preserve women and child rights.

The Cairo Declaration holds a number of valuable and strong recommendations that shall be submitted to the United Nations, the African Union, the European Union and the League for Arab States.

NCCM Follow up on the Cairo Declaration

The NCCM has started the process of establishing a National Committee for FGM Legislation. The Committee members will consist of judges, parliament members, NGO representatives, religious and medical figures that condemn the practice and consider FGM a violation of children's rights. These stakeholders shall examine and amend legal texts that condemn the practice and finally elaborate the laws that shall enable Egypt to overcome this harmful practice, thus protecting girls from the painful consequences of FGM